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SERIAL NUMBER	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT	PAPER NUMBER
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DATE MAILED:

09/16/92

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

☒ This application has been examined *FOR RESTRICTION ELECTION ONLY* ☐ Responsive to communication filed on _____ ☐ This action is made final.

A shortened statutory period for response to this action is set to expire _____ month(s), 30 days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited by Examiner, PTO-892. | 2. <input type="checkbox"/> Notice re Patent Drawing, PTO-948. |
| 3. <input type="checkbox"/> Notice of Art Cited by Applicant, PTO-1449. | 4. <input type="checkbox"/> Notice of Informal Patent Application, Form PTO-152. |
| 5. <input type="checkbox"/> Information on How to Effect Drawing Changes, PTO-1474. | 6. <input type="checkbox"/> _____ |

Part II SUMMARY OF ACTION

1. ☒ Claims 1-17 are pending in the application.
Of the above, claims 1, 2, 7-10, 13-15 are withdrawn from consideration.
2. ☐ Claims _____ have been cancelled.
3. ☐ Claims _____ are allowed.
4. ☐ Claims _____ are rejected.
5. ☐ Claims _____ are objected to.
6. ☒ Claims 3-6, 11-12, 16-17 are subject to restriction ~~or~~ election requirement.
7. ☐ This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.
8. ☐ Formal drawings are required in response to this Office action.
9. ☐ The corrected or substitute drawings have been received on _____. Under 37 C.F.R. 1.84 these drawings are ☐ acceptable ☐ not acceptable (see explanation or Notice re Patent Drawing, PTO-948).
10. ☐ The proposed additional or substitute sheet(s) of drawings, filed on _____ has (have) been ☐ approved by the examiner. ☐ disapproved by the examiner (see explanation).
11. ☐ The proposed drawing correction, filed on _____, has been ☐ approved. ☐ disapproved (see explanation).
12. ☐ Acknowledgment is made of the claim for priority under U.S.C. 119. The certified copy has ☐ been received ☐ not been received
☐ been filed in parent application, serial no. _____; filed on _____
13. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.

SUPPLEMENTAL RESTRICTION

5 Applicant in paper no.9 elected the Group II invention reading on autotaxin and peptides thereof individually as well as attached to solid phase supports and additionally drawn to methods of purifying autotaxin and claims 3-6, 11-12 and 16-17. After further consideration the following additional restriction to the following groups is warranted:

- 10 I. Claims 3-6 and 16-17 are drawn to autotaxin and peptides thereof separately and bound to a solid support, classified in Class 530, subclasses 324-330, 350 and 402.
- 15 II. Claims 11-12 drawn to a method of purifying an autotaxin peptide, classified in 530 subclass 412+

20 The inventions are distinct, each from the other because of the following reasons:

25 Inventions I and II are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (M.P.E.P. § 806.05(f)). In the instant case the product as claimed can be made by another and materially different process such as by chemical or recombinant means (see ie. specification at page 12, lines 6-9) or by a different purification protocol utilizing different separation technique such as HPLC on a reversed phase C-18 column, thin layer chromatography, and electrophoresis just to name a few.

35 Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, divergent subject matter and different search, restriction for examination purposes as indicated is proper.

40 Applicant is advised that the response to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed.

45 A telephone call was made to Watson Scott on 9/7/92 to request an oral election to the above restriction requirement, but did not result in an election being made.

Serial No. 07/822043
Art Unit 1811

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Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 C.F.R. § 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a diligently-filed petition under 37 C.F.R. § 1.48(b) and by the fee required under 37 C.F.R. § 1.17(h).

The Group and/or Art Unit location of your application in the PTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Group Art Unit 1811.

Any inquiry concerning this communication should be directed to Examiner Celsa at telephone number (703) 308-0196.

Bennett Celsa
September 14, 1992

MERRELL C. CASHION JR.
SUPERVISORY PATENT EXAMINER
GROUP 180